



## FISCAL MEMORANDUM

### HB 1012 - SB 1493

March 5, 2023

**SUMMARY OF BILL AS AMENDED (004596):** Increases fees that sheriffs and constables are entitled to for various services performed as follows:

- for service of process in person: from \$40 to \$50;
- for a levy of an execution on property or levy of an attachment or other process to seize property for the purpose of securing satisfaction of a judgment yet to be rendered or for executing a writ of replevin or writ of possession: from \$40 to \$50; and
- for collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted: from \$20 to \$40.

Authorizes a county legislative body to adopt a resolution to increase the fees to which a constable is entitled under state law, or to generally supplement the pay of a constable who is an officer of the county. Requires such an increase or supplement to be commensurate with the nature of the work, the services provided, and the experience of the constable.

### FISCAL IMPACT OF BILL AS AMENDED:

**Increase Local Revenue – Exceeds \$319,200/FY23-24 and Subsequent Years**

**Increase Local Expenditures –**

**Exceeds \$16,000/FY23-24 and Subsequent Years/Permissive**

**Other Fiscal Impact – To the extent that local governments authorize by resolution an increase in fees or pay supplements to constables, those governments will realize a corresponding increase in expenditures. However, the precise amount and timing of any such increases is not known and cannot be reasonably quantified.**

Assumptions for the bill as amended:

- The increase in local revenue related to the relevant services is as follows:
  - Process in person: \$10 (\$50-\$40);
  - Execution, attachment, or other to seize property; writ of replevin, possession: \$10 (\$50-\$40); and
  - Collecting money: \$20 (\$40-\$20)

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- It is not known how many instances of such service are performed by sheriffs and constables across the state in any given year. For the purposes of this analysis, it is assumed that sheriffs and constables combined perform at least 10 services in each of the three relevant categories in each county every month.
- The increase in annual revenue in each county is thus estimated to exceed \$4,800 per county as follows:
  - Process in person: \$100 (10 x \$10);
  - Execution, attachment, or other to seize property; writ of replevin, possession: \$100 (10 x \$10);
  - Collecting money: \$200 (10 x \$20); and
  - \$400 (x 12 months).
- There are 95 counties in Tennessee.
- Therefore, the total increase in annual revenue is estimated to exceed \$456,000 (\$4,800 x 95 counties).
- Unlike sheriffs, constables retain such fees as personal income. The constables' portions of the revenue does not accrue to the county.
- Based on information provided by the Tennessee Sheriffs Association, it is assumed that approximately 70 percent of these services are performed by sheriffs.
- Therefore, the recurring increase revenue that will accrue to county governments is estimated to exceed \$319,200 (\$456,000 x 70%) in FY23-24 and subsequent years.
- Counties also sometimes require process to be served. The precise percentage of annual service of process that could be attributed to county governments is not known. It is, however, assumed to be five percent. It is further assumed that sheriffs are tasked with performing such services.
- The recurring increase in local expenditures to counties is therefore estimated to exceed \$15,960 (\$319,200 x 5%) in FY23-24 and subsequent years.
- To the extent that local governments authorize by resolution an increase in other fees or pay supplements to constables, those governments will realize a corresponding increase in expenditures. However, the precise amount and timing of any such increases is not known and cannot be reasonably quantified.
- It is assumed that any county legislative body that chooses to adopt a resolution under the provisions of this legislation will do so at a regularly scheduled meeting; therefore, there will not be an increase to local government expenditures.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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